

JOURNAL OF THE HOUSE.

Tuesday, January 2, 2007.

Met at eleven minutes after eleven o'clock A.M., in an Informal Session, with Mr. Flynn of Bridgewater in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God of Goodness and Truth, each day we try to the best of our ability to serve You and constituents who depend upon our reasoned, objective, fair and honorable decisions and proposals. With tomorrow's opening of a new session of the General Court, the welcoming of new members, a new vision for the future of the Commonwealth, a new spirit of promoting the common good and goodwill, we pray for Your guidance and direction. Teach us to work together in our common quest for safe, peaceful, prosperous and family-friendly communities. Today we thank those members of the General Court who are serving the people on this, their last day as representatives in this body. Today, on this national day of mourning, we remember in our prayers President Gerald Ford for his service and dedication to this nation and our traditions.

Grant Your blessings to the Speaker, to the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Flynn), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Messages from the Acting Governor — Vetos.

Mr. Donato of Medford being in the Chair,—

Charles River.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with her objections thereto in writing the engrossed Bill establishing a Charles River water quality commission [see House, No. 4683, amended] (for message, see House, No. 4650) was filed in the Office of the Clerk on Sunday, December 31.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

Bicycle safety.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with her objections thereto in writing the engrossed Bill providing for bicycle safety [see House, No. 5372] (for message, see House, No. 5381) was filed in the Office of the Clerk on Sunday, December 31.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

Message from the Acting Governor — Bills Returned with Recommendations of Amendments.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendments the engrossed Bill authorizing the appointment of retired police officers as special police officers in the town of Millis [see House, No. 4318] (for message, see House, No. 5382) was filed in the office of the Clerk on Sunday, December 31.

Millis, special police.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendments recommended by the Acting Governor, the bill was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Subsequently the amendments recommended by the Acting Governor were adopted in the following form (as approved by said committee):

By striking out section 2 and inserting in place thereof the following section:

"SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 or section 99A of chapter 41 of the General Laws."; by striking out section 7 and inserting in place thereof the following section:

"SECTION 7. Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks prior to the incapacity. In no event shall payment under said section 111F of said chapter 41, exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of said chapter 41 shall terminate when a special police officer reaches the age of 65. In the event the age limitation applicable to regular police officers serving a town is increased from 65 years of age, the termination of benefits under said section 111F of said chapter 41, as provided herein to special police officers, shall terminate at such a higher age limit, but in no event shall the benefits extend beyond the age of 70 for any special police officer. Special police officers, appointed under this act shall not be subject to section 85H of said chapter 32, not eligible for any benefits pursuant thereto."; and in section 8 by striking out the second sentence, as follows: "Special police officers appointed under this act shall not be eligible for unemployment, nor shall the town be liable for unemployment benefits under chapter 151A of the General Laws for any reason, including police detail assignment determinations made by the town or removal of any individual as a special police officer."

Sent to the Senate for concurrence.

Agricultural
land.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill relative to the leasing of publicly owned land for agricultural purposes [see House, No. 4658, amended] (for message, see House, No. 5383) was filed in the office of the Clerk on Sunday, December 31.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Acting Governor, the bill was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Subsequently the amendment recommended by the Acting Governor was adopted in the following form (as approved by said committee):

In subsection (j), in the first sentence, by striking out the word "entity" and inserting in place thereof the word "body".

Sent to the Senate for concurrence.

Life
insurance
companies.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill relative to life insurance companies [see House, No. 4973] (for message, see House, No. 5384) was filed in the office of the Clerk on Sunday, December 31.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by the Acting Governor, the bill was referred, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Subsequently the amendments recommended by the Acting Governor were adopted in the following form (as approved by said committee):

In subsection 14(G), in clause (3), by striking out the words "but a company" and inserting in place thereof the words "but no company".

Sent to the Senate for concurrence.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. DiMasi of Boston) congratulating Dr. Craig C. Mello on winning the 2006 Nobel Prize in physiology or medicine;

Resolutions (filed by Mr. Fagan of Taunton) congratulating Daniel Shine on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Messrs. Galvin of Canton and Kafka of Stoughton) congratulating Peter Robert O'Regan of Stoughton upon his elevation to the rank of Eagle Scout; and

Resolutions (filed by Mr. Hargraves of Groton) congratulating Elmer C. Bartels;

Craig C.
Mello.

Daniel
Shine.

Peter
Robert
O'Regan.

Elmer C.
Bartels.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Murphy of Burlington, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Paper from the Senate.

A Bill pertaining to off-duty work details or special details performed by public employees in the city of Somerville (Senate, No. 2771) (on a petition) [Local Approval Received] [Senator Timilty dissenting], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Somerville,
public
employees.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Maureen Bambery, an employee of the Trial Court of the Commonwealth (see House, No. 5370), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Maureen
Bambery,
sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 17 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill establishing a sick leave bank for Michael F. Leavitt, an employee of the Department of Mental Retardation (see House, No. 5375), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Michael
Leavitt,
sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 18 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill establishing a sick leave bank for Annette V. Fielding, an employee of the Department of Social Services (see House, No. 5379), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Annette V.
Fielding,
sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 18 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Milford (see House, No. 5174, amended); and

Establishing a sick leave bank for Meridith L. Reith, an employee of the state fire marshal (see House, No. 5361);

(Which severally originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Engrossed bills

ri

Further regulating the operations and governance of credit unions (see Senate, No. 2288) (which originated in the Senate);

Relative to enhanced protection for victims of domestic violence (see House bill printed in House, No. 30, amended);

Relative to the issuance of certain alcoholic beverage licenses (see House, No. 3340, changed);

Authorizing the city of New Bedford to regulate motorized bicycles and motorized scooters (see House, No. 4354);

Limiting health insurance benefits for elected officials in the town of North Andover (see House, No. 4864);

Authorizing the town of Montague to exempt the Brick House Community Resource Center Inc. from the payment of certain taxes (see House, No. 5285);

Authorizing the city of New Bedford to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5340);

Authorizing the town of Florida to exempt certain property from taxation (see House, No. 5364); and

Authorizing creditable service for Richard Spicer (see House, No. 5380);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At twenty-six minutes before twelve o'clock noon, on motion of Mr. Flynn of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after twelve o'clock; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Papers from the Senate.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the city of Peabody (House, No. 4247) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following:

Peabody,
land
conveyance.

"SECTION 1. Notwithstanding sections 40F to 40I, inclusive, of chapter 7 and sections 1 to 16, inclusive, of chapter 82, of the General Laws, or any other general or special law, rule or regulation to the contrary, the commissioner of the division of capital asset management and maintenance may discontinue its easement and convey its rights, title and interests, if any, within a certain parcel, or portions thereof, of land located in the city of Peabody to the following parties: Charles Roston and Ellen Roston; Robert D. and Madeline A. Rossetti; Carl A. Crupi and Athis Kourkoulis, Trustees of Little's Hill Realty Trust; or the city of Peabody. The parcel or portions thereof, being a portion of Lynnfield street, an 1846 county layout, which is shown as a parcel entitled 'Old Lynnfield St. (to be abandoned)' on a plan of land entitled 'Abandonment Plan of Old Lynnfield Street in Peabody, MA', drawn by CEC surveyors, Inc. and dated August 16, 2004. Nothing herein shall affect the rights of abutters of the parcel. The exact boundaries of the parcel shall be determined by the commissioner after completion of a survey.

SECTION 2. The consideration for the discontinuance and conveyance of the or portions thereof, as described in section 1, shall be the market value of the interest as described based upon a professional appraisal commissioned by the commissioner of capital asset management and maintenance, taking into consideration and account any land use restrictions. The grantees shall be responsible for all costs associated with any appraisal, surveys or other expenses incurred by the commonwealth relating to the discontinuance and conveyance authorized by section 1."

Under suspension of Rule 35, on motion of Ms. Spiliotis of Peabody, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The House Bill relative to horse and greyhound racing in the Commonwealth (House, No. 5291) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2780.

Racing.

Under suspension of Rule 35, on motion of Mr. Flynn of Bridgewater, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The same member then moved that the House concur with the Senate in its amendment with a further amendment by striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the text contained in Senate document numbered 5385.

The further amendment was adopted. The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Health care,
access.

A Bill further amending the health care access law (Senate, No. 2783) (on Senate bill, No. 695), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mrs. Walrath of Stow, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, Mrs. Walrath moved that it be amended by striking out sections 6 and 7 and inserting in place thereof the following two sections:

“SECTION 6. Chapter 58 of the acts of 2006 is hereby amended by striking out section 142, as appearing in section 66 of said chapter 324, and inserting in place thereof the following section:—

Section 142. Sections 46, 49, 53, 56, 58, 62, 63, 64, 65, 66, 67, 69, 70, 73, 76, 77, 78, 79, 80, 83, 84 and 87 shall take effect on January 1, 2007.

SECTION 7. Said chapter 58 is hereby further amended by striking out section 145, as appearing in section 68 of said chapter 324, and inserting in place thereof the following section:—

Section 145. Sections 12, 22, 23, 32, 33, 35, 41, 42, 44, 48, 50, 52, 55, 59, 60A, 68, 72, 74, 82, 85, 86, 89 and 90 shall take effect on July 1, 2007.”; and by striking out sections 12 and 13 and inserting in place thereof the following two sections:

“SECTION 12. Section 3 and section 5 shall take effect on January 1, 2007.

SECTION 13. Section 2 and section 4 shall take effect on July 1, 2007.”.

The amendments were adopted; and the bill (Senate, No. 2783, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments.

Pandemic
disease.

The House Bill making appropriations for the fiscal year 2007 to provide funding to support pandemic disease preparation and response in the Commonwealth (House, No. 5349) came from the Senate with the endorsement that said branch had non-concurred with the House in its further amendments.

On motion of Mrs. Walrath of Stow, the House then insisted on its further amendments. Sent to the Senate for its action.

Report of a Committee.

South Hadley,
school
custodians.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill exempting the school custodians in the town of Hadley from the civil service law (House, No. 5303) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Emergency Measure.

Mr. Donato of Medford being in the Chair,—

The engrossed Bill authorizing the commissioner of capital asset management and maintenance to convey certain land in Foxborough (see House, No. 5319), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Foxborough,
land.

Bill
enacted.

Engrossed Bills.

Engrossed bills

Establishing an office of finance in the town of Spencer (see House, No. 5346); and

Authorizing the town of Monroe to exempt certain property from taxation (see House, No. 5365);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Bills
enacted.

Orders of the Day.

The Senate Bill authorizing the town of Rockland to issue and additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2758), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Rockland,
liquor
license.

The House Bill authorizing the town of Carver to appoint alternate members to the conservation commission (House, No. 5078) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Carver,
conservation
commission.

Recess.

At the hour of two o'clock P.M., on motion of Mr. Cabral of New Bedford (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair.

Recess.

*Joint Session of the Two Houses to Consider
Specific Amendments to the Constitution.*

Joint
Session.

At sixteen minutes past two o'clock P.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Robert E. Travaglini,
President of the Senate.

Pledge of
allegiance.

The President then handed the gavel to Mr. Flynn of Bridgewater,
Dean of the House, who led the members, guests and employees in
the recitation of the pledge of allegiance to the flag.

Moment of Silence.

Gerald R.
Ford.

At the request of the President, the members, guests and employees
stood in a moment of silence and reflection for former President
Gerald R. Ford, the 38th President of the United States.

Marriage,
define.

The Proposal for an Initiative Amendment to the Constitution
relative to the definition of marriage (see House, No. 4617) (intro-
duced into the General Court by the initiative petition of Raymond L.
Flynn and others) was read, the question being on agreeing to the
amendment.

The Proposal was as follows:

ARTICLE OF AMENDMENT.

When recognizing marriages entered into after the adoption of
this amendment by the people, the Commonwealth and its political
subdivisions shall define marriage only as the union of one man and
one woman.

On the question on agreeing to the proposal, the sense of the Joint
Session was taken by a call of the yeas and nays, as required by the
Constitution, at seventeen minutes past two o'clock P.M., as follows
to wit (yeas 61 — nays 132) [**Senate Yeas and Nays No. 682**] [**House
Yeas and Nays No. 910**]:

YEAS — (61).

Senators.

Brown, Scott P.
Creedon, Robert S., Jr.
Hedlund, Robert L.
Moore, Richard T.

Morrissey, Michael W.
Panagiotakos, Steven C.
Travaglini, Robert E. — 7.

Representatives.

Ayers, Bruce J.
Binienda, John J.
Canavan, Christine E.
Candaras, Gale D.

Carron, Mark J.
Casey, Paul C.
Coppola, Virginia M.
Correia, Robert

Creedon, Geraldine
Curran, Sean
deMacedo, Viriato Manuel
Donato, Paul J.
Evangelidis, Lewis G.
Fagan, James H.
Flynn, David L.
Fresolo, John P.
Frost, Paul K.
Garry, Colleen M.
Gifford, Susan W.
Goguen, Emile J.
Gomes, Shirley
Greene, William G., Jr.
Hargraves, Robert S.
Humason, Donald F., Jr.
Hynes, Frank M.
Kane, Michael F.
Kujawski, Paul
Lantigua, William
Lepper, John A.
Loscocco, Paul J. P.
Miceli, James R.

Murphy, James M.
Nangle, David M.
Nyman, Robert J.
Parente, Marie J.
Perry, Jeffrey Davis
Peterson, George N., Jr.
Petrolati, Thomas M.
Poirier, Elizabeth A.
Polito, Karyn E.
Pope, Susan W.
Rogeness, Mary S.
Ross, Richard J.
Rush, Michael F.
Scaccia, Angelo M.
Smola, Todd M.
Spiliotis, Joyce A.
Timilty, Walter F.
Tobin, A. Stephen
Travis, Philip
Vallee, James E.
Verga, Anthony J.
Wallace, Brian P.
Webster, Daniel K. — 54.

NAYS — (132).

Senators.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Baddour, Steven A.
Barrios, Jarrett T.
Berry, Frederick E.
Brewer, Stephen M.
Buoniconti, Stephen J.
Chandler, Harriette L.
Creem, Cynthia Stone
Fargo, Susan C.
Hart, John A., Jr.
Havern, Robert A.
Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.

McGee, Thomas M.
Menard, Joan M.
Montigny, Mark C.
Murray, Therese
O'Leary, Robert A.
Pacheco, Marc R.
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 32.

Representatives.

Atkins, Cory
Atsalis, Demetrius J.
Balser, Ruth B.
Bradley, Garrett J.
Broadhurst, Arthur J.
Cabral, Antonio F. D.
Callahan, Jennifer M.
Canessa, Stephen R.
Coakley-Rivera, Cheryl A.
Costello, Michael A.
Coughlin, Robert K.
DeLeo, Robert A.
Dempsey, Brian S.

DiMasi, Salvatore F.
Donelan, Christopher J.
Driscoll, Joseph R.
Eldridge, James B.
Fallon, Christopher G.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Finegold, Barry R.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Fox, Gloria L.
Galvin, William C.

Marriage,
define.

Gobi, Anne M.
Golden, Thomas A., Jr.
Grant, Mary E.
Guyer, Denis E.
Haddad, Patricia A.
Hall, Geoffrey D.
Harkins, Lida E.
Hill, Bradford
Honan, Kevin G.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, John D.
Kennedy, Thomas P.
Khan, Kay
Kocot, Peter V.
Koczera, Robert M.
Koutoujian, Peter J.
Kulik, Stephen
Leary, James B.
LeDuc, Stephen P.
Linsky, David Paul
L'Italien, Barbara A.
Malia, Elizabeth A.
Mariano, Ronald
Marzilli, J. James, Jr.
Moran, Michael J.
Murphy, Charles A.
Murphy, Kevin J.
Natale, Patrick M.
Naughton, Harold P., Jr.
O'Brien, Thomas J.
O'Flaherty, Eugene L.
Patrick, Matthew C.
Paulsen, Anne M.
Pedone, Vincent A.

Peisch, Alice Hanlon
Petersen, Douglas W.
Petrucelli, Anthony
Provost, Denise
Quinn, John F.
Reinstein, Kathi-Anne
Rice, Robert L., Jr.
Rodrigues, Michael J.
Rogers, John H.
Rushing, Byron
Sánchez, Jeffrey
Sannicandro, Tom
Scibak, John W.
Sciortino, Carl M., Jr.
Smizik, Frank I.
Speliotis, Theodore C.
Spellane, Robert P.
Speranzo, Christopher N.
Stanley, Harriett L.
Stanley, Thomas M.
St. Fleur, Marie P.
Story, Ellen
Straus, William M.
Sullivan, David B.
Swan, Benjamin
Teahan, Kathleen M.
Toomey, Timothy J., Jr.
Torrise, David M.
Turkington, Eric
Turner, Cleon H.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Martin J.
Walsh, Steven M.
Walz, Martha M.
Welch, James T.
Wolf, Alice K. — 100.

ABSENT OR NOT VOTING — (4).

Senators.

Nuciforo, Andrea F., Jr. — 1.

Representatives.

Bosley, Daniel E.
Owens-Hicks, Shirley

Pignatelli, William Smitty — 3.

The yeas and nays having been completed at twenty-six minutes past two o'clock P.M., the proposal was agreed to, not less than one-fourth of all members elected having voted in the affirmative.

Subsequently a statement of Mr. Bosley of North Adams was spread upon the records of the Joint Session, as follows:

Due to an unexpected meeting in another part of the State House, I missed the vote in the same sex marriage initiative petition during the January 2 Constitutional Convention. Could you please insert a statement in the Journal stating that had I been in the Chamber for the vote, I would have voted in the *negative*?

Statement of
Representative
Bosley of
North Adams.

Subsequently a statement of Mr. Pignatelli of Lenox was spread upon the records of the Joint Session, as follows:

Due to an unexpected meeting in another part of the State House, I missed the vote in the same sex marriage initiative petition during the January 2 Constitutional Convention. Could you please insert a statement in the Journal stating that had I been in the Chamber for the vote, I would have voted in the *negative*?

Statement of
Representative
Pignatelli of
Lenox.

Mr. Rushing of Boston moved to reconsider the vote on agreeing to the amendment.

Recess.

The same member further moved to recess the joint session for one hour; and this motion was *negatived*.

Mr. Rushing of Boston then moved that the joint session stand in recess until a half past three o'clock P.M.

The question on recessing the joint session was determined by a call of the yeas and the nays, at twenty-nine minutes past two o'clock P.M., as follows, to wit (yeas 94 — nays 101) [**Senate Yeas and Nays No. 683**] [**House Yeas and Nays No. 911**]:

YEAS — (94).

Senators.

Barrios, Jarrett T.
Creem, Cynthia Stone
Havern, Robert A.

Montigny, Mark C.
Spilka, Karen E.
Wilkerson, Dianne — 6.

Representatives.

Atkins, Cory
Atsalis, Demetrius J.
Balser, Ruth B.
Bosley, Daniel E.
Bradley, Garrett J.
Broadhurst, Arthur J.
Cabral, Antonio F. D.
Canessa, Stephen R.
Coakley-Rivera, Cheryl A.
Costello, Michael A.
Coughlin, Robert K.
DeLeo, Robert A.
Dempsey, Brian S.
DiMasi, Salvatore F.
Donelan, Christopher J.
Driscoll, Joseph R.
Eldridge, James B.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Finegold, Barry R.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Fox, Gloria L.
Galvin, William C.
Grant, Mary E.
Guyer, Denis E.
Haddad, Patricia A.
Harkins, Lida E.
Honan, Kevin G.

Kafka, Louis L.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, John D.
Kennedy, Thomas P.
Khan, Kay
Kocot, Peter V.
Koutoujian, Peter J.
Kulik, Stephen
Leary, James B.
LeDuc, Stephen P.
Linsky, David Paul
L'Italien, Barbara A.
Malia, Elizabeth A.
Mariano, Ronald
Marzilli, J. James, Jr.
Moran, Michael J.
Murphy, Charles A.
O'Brien, Thomas J.
Patrick, Matthew C.
Paulsen, Anne M.
Pedone, Vincent A.
Peisch, Alice Hanlon
Petersen, Douglas W.
Petrucelli, Anthony
Provost, Denise
Reinstein, Kathi-Anne
Rice, Robert L., Jr.
Rodrigues, Michael J.
Rogers, John H.

Marriage,
define.

Rushing, Byron
Sánchez, Jeffrey
Sannicandro, Tom
Scibak, John W.
Sciortino, Carl M., Jr.
Smizik, Frank I.
Speliotis, Theodore C.
Spellane, Robert P.
Speranzo, Christopher N.
Stanley, Harriett L.
Stanley, Thomas M.
St. Fleur, Marie P.
Story, Ellen
Straus, William M.

Sullivan, David B.
Swan, Benjamin
Teahan, Kathleen M.
Toomey, Timothy J., Jr.
Torrise, David M.
Turkington, Eric
Turner, Cleon H.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Martin J.
Walsh, Steven M.
Walz, Martha M.
Welch, James T.
Wolf, Alice K. — 88.

NAYS — (101).

Senators.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Baddour, Steven A.
Berry, Frederick E.
Brewer, Stephen M.
Brown, Scott P.
Buoniconti, Stephen J.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Fargo, Susan C.
Hart, John A., Jr.
Hedlund, Robert L.
Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
McGee, Thomas M.

Menard, Joan M.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
O'Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian — 33.

Representatives.

Ayers, Bruce J.
Binienda, John J.
Callahan, Jennifer M.
Canavan, Christine E.
Candaras, Gale D.
Carron, Mark J.
Casey, Paul C.
Coppola, Virginia M.
Correia, Robert
Creedon, Geraldine
Curran, Sean
deMacedo, Viriato Manuel
Donato, Paul J.
Evangelidis, Lewis G.
Fagan, James H.
Fallon, Christopher G.
Flynn, David L.
Fresolo, John P.
Frost, Paul K.
Garry, Colleen M.
Gifford, Susan W.

Gobi, Anne M.
Goguen, Emile J.
Golden, Thomas A., Jr.
Gomes, Shirley
Greene, William G., Jr.
Hall, Geoffrey D.
Hargraves, Robert S.
Hill, Bradford
Humason, Donald F., Jr.
Hynes, Frank M.
Jones, Bradley H., Jr.
Kane, Michael F.
Koczera, Robert M.
Kujawski, Paul
Lantigua, William
Lepper, John A.
Loscocco, Paul J. P.
Miceli, James R.
Murphy, James M.
Murphy, Kevin J.
Nangle, David M.

Natale, Patrick M.
Naughton, Harold P., Jr.
Nyman, Robert J.
O'Flaherty, Eugene L.
Owens-Hicks, Shirley
Parente, Marie J.
Perry, Jeffrey Davis
Peterson, George N., Jr.
Petrolati, Thomas M.
Poirier, Elizabeth A.
Polito, Karyn E.
Pope, Susan W.
Quinn, John F.

Rogeness, Mary S.
Ross, Richard J.
Rush, Michael F.
Scaccia, Angelo M.
Smola, Todd M.
Spiliotis, Joyce A.
Timilty, Walter F.
Tobin, A. Stephen
Travis, Philip
Vallee, James E.
Verga, Anthony J.
Wallace, Brian P.
Webster, Daniel K. — 68.

ABSENT OR NOT VOTING — (2).

Senators.

Nuciforo, Andrea F., Jr. — 1.

Representatives.

Pignatelli, William Smitty — 1.

The yeas and nays having been completed at twenty-two minutes before three o'clock P.M., the motion to recess the Joint Session was *negated*. However, due to an error in calculation of the tally by the Clerk, the motion was declared to have passed and the Joint Session stood in recess.

At eighteen minutes before four o'clock P.M., the Joint Session Quorum. reassembled, the President in the Chair.

Mr. Rushing of Boston doubted the presence of a quorum and asked for a call of the yeas and nays to ascertain if a quorum was present. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum at seventeen minutes before four o'clock P.M., as follows to wit (Answered Present 193) **[Senate Yeas and Nays No. 684] [House Yeas and Nays No. 912]:**

ANSWERED "PRESENT" — (193).

Senators.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Baddour, Steven A.
Barrios, Jarrett T.
Berry, Frederick E.
Brewer, Stephen M.
Brown, Scott P.
Buoniconti, Stephen J.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.

Havern, Robert A.
Hedlund, Robert L.
Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
McGee, Thomas M.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese

Marriage,
define.

O'Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tarr, Bruce E.

Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 38.

Representatives.

Atkins, Cory
Atsalis, Demetrius J.
Ayers, Bruce J.
Balsar, Ruth B.
Binienda, John J.
Bosley, Daniel E.
Bradley, Garrett J.
Broadhurst, Arthur J.
Cabral, Antonio F. D.
Callahan, Jennifer M.
Canavan, Christine E.
Candaras, Gale D.
Canessa, Stephen R.
Carron, Mark J.
Casey, Paul C.
Coakley-Rivera, Cheryl A.
Coppola, Virginia M.
Correia, Robert
Costello, Michael A.
Coughlin, Robert K.
Creedon, Geraldine
Curran, Sean
DeLeo, Robert A.
deMacedo, Viriato Manuel
Dempsey, Brian S.
DiMasi, Salvatore F.
Donato, Paul J.
Donelan, Christopher J.
Driscoll, Joseph R.
Eldridge, James B.
Evangelidis, Lewis G.
Fagan, James H.
Fallon, Christopher G.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Finegold, Barry R.
Flanagan, Jennifer L.
Forty, Linda Dorcena
Fox, Gloria L.
Fresolo, John P.
Frost, Paul K.
Galvin, William C.
Garry, Colleen M.
Gifford, Susan W.
Gobi, Anne M.
Goguen, Emile J.
Golden, Thomas A., Jr.
Gomes, Shirley

Grant, Mary E.
Greene, William G., Jr.
Guyer, Denis E.
Haddad, Patricia A.
Hall, Geoffrey D.
Hargraves, Robert S.
Harkins, Lida E.
Hill, Bradford
Honan, Kevin G.
Humason, Donald F., Jr.
Hynes, Frank M.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kane, Michael F.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, John D.
Kennedy, Thomas P.
Khan, Kay
Kocot, Peter V.
Koczera, Robert M.
Koutoujian, Peter J.
Kujawski, Paul
Kulik, Stephen
Lantigua, William
Leary, James B.
LeDuc, Stephen P.
Lepper, John A.
Linsky, David Paul
L'Italien, Barbara A.
Loscocco, Paul J. P.
Malia, Elizabeth A.
Mariano, Ronald
Marzilli, J. James, Jr.
Miceli, James R.
Moran, Michael J.
Murphy, Charles A.
Murphy, James M.
Murphy, Kevin J.
Nangle, David M.
Natale, Patrick M.
Naughton, Harold P., Jr.
Nyman, Robert J.
O'Brien, Thomas J.
O'Flaherty, Eugene L.
Owens-Hicks, Shirley
Parente, Marie J.
Patrick, Matthew C.
Paulsen, Anne M.

Pedone, Vincent A.
Peisch, Alice Hanlon
Perry, Jeffrey Davis
Petersen, Douglas W.
Peterson, George N., Jr.
Petrolati, Thomas M.
Petruccelli, Anthony
Poirier, Elizabeth A.
Polito, Karyn E.
Pope, Susan W.
Provost, Denise
Quinn, John F.
Reinstein, Kathi-Anne
Rice, Robert L., Jr.
Rodrigues, Michael J.
Rogeness, Mary S.
Rogers, John H.
Ross, Richard J.
Rush, Michael F.
Rushing, Byron
Sánchez, Jeffrey
Sannicandro, Tom
Scaccia, Angelo M.
Scibak, John W.
Sciortino, Carl M., Jr.
Smizik, Frank I.
Smola, Todd M.
Spiliotis, Theodore C.
Spellane, Robert P.

Speranzo, Christopher N.
Spiliotis, Joyce A.
Stanley, Harriett L.
Stanley, Thomas M.
St. Fleur, Marie P.
Story, Ellen
Straus, William M.
Sullivan, David B.
Swan, Benjamin
Teahan, Kathleen M.
Timilty, Walter F.
Tobin, A. Stephen
Toomey, Timothy J., Jr.
Torrisi, David M.
Travis, Philip
Turkington, Eric
Turner, Cleon H.
Vallee, James E.
Verga, Anthony J.
Wagner, Joseph F.
Wallace, Brian P.
Walrath, Patricia A.
Walsh, Martin J.
Walsh, Steven M.
Walz, Martha M.
Webster, Daniel K.
Welch, James T.
Wolf, Alice K. — 155.

NAYS — 0.

ABSENT OR NOT VOTING — (4).

Senators.

Hart, John A., Jr.

Nuciforo, Andrea F., Jr. — 2.

Representatives.

Flynn, David L.

Pignatelli, William Smitty — 2.

The yeas and nays having been completed at five minutes before four o'clock P.M., a quorum was declared present.

The question on reconsideration was again considered, and after extended debate, the question on the motion to reconsider the vote on agreeing to the amendment was determined by a call of the yeas and the nays, at one minute past four o'clock P.M., as follows, to wit (yeas 117 — nays 75) [**Senate Yeas and Nays No. 685**] [**House Yeas and Nays No. 913**]:

YEAS — (117).

Senators.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Baddour, Steven A.
Barrios, Jarrett T.
Berry, Frederick E.

Brewer, Stephen M.
Buoniconti, Stephen J.
Chandler, Harriette L.
Creem, Cynthia Stone
Fargo, Susan C.

Marriage,
define.

Hart, John A., Jr.
Havern, Robert A.
Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
McGee, Thomas M.
Menard, Joan M.
Montigny, Mark C.
Murray, Therese
O'Leary, Robert A.

Representatives.

Atkins, Cory
Atsalis, Demetrius J.
Balser, Ruth B.
Bosley, Daniel E.
Bradley, Garrett J.
Broadhurst, Arthur J.
Cabral, Antonio F. D.
Callahan, Jennifer M.
Canessa, Stephen R.
Coakley-Rivera, Cheryl A.
Costello, Michael A.
Coughlin, Robert K.
DeLeo, Robert A.
DiMasi, Salvatore F.
Donelan, Christopher J.
Eldridge, James B.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Finegold, Barry R.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Fox, Gloria L.
Galvin, William C.
Gobi, Anne M.
Golden, Thomas A., Jr.
Grant, Mary E.
Guyer, Denis E.
Haddad, Patricia A.
Harkins, Lida E.
Honan, Kevin G.
Kafka, Louis L.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, John D.
Kennedy, Thomas P.
Khan, Kay
Kocot, Peter V.
Koutoujian, Peter J.
Kulik, Stephen
LeDuc, Stephen P.
Linsky, David Paul
L'Italien, Barbara A.

Pacheco, Marc R.
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 31.

Malia, Elizabeth A.
Mariano, Ronald
Marzilli, J. James, Jr.
Moran, Michael J.
Murphy, Charles A.
Murphy, Kevin J.
O'Brien, Thomas J.
Patrick, Matthew C.
Paulsen, Anne M.
Peisch, Alice Hanlon
Petersen, Douglas W.
Petrucelli, Anthony
Pignatelli, William Smitty
Provost, Denise
Quinn, John F.
Reinstein, Kathi-Anne
Rice, Robert L., Jr.
Rogers, John H.
Rushing, Byron
Sánchez, Jeffrey
Sannicandro, Tom
Sciortino, Carl M., Jr.
Smizik, Frank I.
Speliotis, Theodore C.
Speranzo, Christopher N.
Stanley, Harriett L.
Stanley, Thomas M.
St. Fleur, Marie P.
Story, Ellen
Straus, William M.
Swan, Benjamin
Teahan, Kathleen M.
Toomey, Timothy J., Jr.
Torrissi, David M.
Turkington, Eric
Turner, Cleon H.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Martin J.
Walsh, Steven M.
Walz, Martha M.
Welch, James T.
Wolf, Alice K. — 86.

NAYS — (75).

Senators.

Brown, Scott P.
Creedon, Robert S., Jr.
Hedlund, Robert L.
Moore, Richard T.
Morrissey, Michael W.
Panagiotakos, Steven C.
Tarr, Bruce E.
Timilty, James E. — 8.

Representatives.

Ayers, Bruce J.
Binienda, John J.
Canavan, Christine E.
Candaras, Gale D.
Carron, Mark J.
Casey, Paul C.
Coppola, Virginia M.
Correia, Robert
Creedon, Geraldine
Curran, Sean
deMacedo, Viriato Manuel
Dempsey, Brian S.
Driscoll, Joseph R.
Evangelidis, Lewis G.
Fagan, James H.
Fallon, Christopher G.
Fresolo, John P.
Frost, Paul K.
Garry, Colleen M.
Gifford, Susan W.
Goguen, Emile J.
Gomes, Shirley
Greene, William G., Jr.
Hall, Geoffrey D.
Hargraves, Robert S.
Hill, Bradford
Humason, Donald F., Jr.
Hynes, Frank M.
Jones, Bradley H., Jr.
Kane, Michael F.
Koczera, Robert M.
Kujawski, Paul
Lantigua, William
Leary, James B.
Lepper, John A.
Loscocco, Paul J. P.
Miceli, James R.
Murphy, James M.
Nangle, David M.
Natale, Patrick M.
Naughton, Harold P., Jr.
Nyman, Robert J.
O'Flaherty, Eugene L.
Owens-Hicks, Shirley
Parente, Marie J.
Pedone, Vincent A.
Perry, Jeffrey Davis
Peterson, George N., Jr.
Poirier, Elizabeth A.
Polito, Karyn E.
Pope, Susan W.
Rodrigues, Michael J.
Rogeness, Mary S.
Ross, Richard J.
Rush, Michael F.
Scaccia, Angelo M.
Scibak, John W.
Smola, Todd M.
Spellane, Robert P.
Spiliotis, Joyce A.
Sullivan, David B.
Timilty, Walter F.
Travis, Philip
Vallee, James E.
Verga, Anthony J.
Wallace, Brian P.
Webster, Daniel K. — 67.

ABSENT OR NOT VOTING — (5).

Senators.

Nuciforo, Andrea F., Jr. — 1.

Representatives.

Donato, Paul J.
Flynn, David L.
Petroliati, Thomas M.
Tobin, A. Stephen — 4.

The yeas and nays having been completed at ten minutes past four o'clock P.M., the motion to reconsider prevailed.

Recess.

Pending the recurring question on agreeing to the amendment, at eleven minutes past four o'clock P.M., at the request of Mr. Lees, for the purposes of a minority party caucus, the President declared a recess; and at twenty-six minutes before five o'clock P.M., the Joint Session reassembled, the President in the Chair.

Marriage,
define.

The Proposal for an Initiative Amendment to the Constitution relative to the definition of marriage (see House, No. 4617) (introduced into the General Court by the initiative petition of Raymond L. Flynn and others) was again considered, the recurring question being on agreeing to the amendment.

The Proposal was as follows:

ARTICLE OF AMENDMENT.

When recognizing marriages entered into after the adoption of this amendment by the people, the Commonwealth and its political subdivisions shall define marriage only as the union of one man and one woman.

On the recurring question on agreeing to the proposal, the sense of the Joint Session was taken by a call of the yeas and nays, as required by the Constitution, at twenty-six minutes before five o'clock P.M., as follows to wit (yeas 62 — nays 134) [**Senate Yeas and Nays No. 686**] [**House Yeas and Nays No. 914**]:

YEAS — (62).

Senators.

Brown, Scott P.
Creedon, Robert S., Jr.
Hedlund, Robert L.
Moore, Richard T.

Morrissey, Michael W.
Panagiotakos, Steven C.
Travaglini, Robert E. — 7.

Representatives.

Ayers, Bruce J.
Binienda, John J.
Canavan, Christine E.
Candaras, Gale D.
Carron, Mark J.
Casey, Paul C.
Coppola, Virginia M.
Correia, Robert
Creedon, Geraldine
Curran, Sean
deMacedo, Viriato Manuel
Donato, Paul J.
Evangelidis, Lewis G.
Fagan, James H.
Flynn, David L.
Fresolo, John P.
Frost, Paul K.
Garry, Colleen M.
Gifford, Susan W.
Goguen, Emile J.

Gomes, Shirley
Greene, William G., Jr.
Hargraves, Robert S.
Humason, Donald F., Jr.
Hynes, Frank M.
Kane, Michael F.
Kujawski, Paul
Lantigua, William
Lepper, John A.
Loscocco, Paul J. P.
Miceli, James R.
Murphy, James M.
Nangle, David M.
Nyman, Robert J.
Owens-Hicks, Shirley
Parente, Marie J.
Perry, Jeffrey Davis
Peterson, George N., Jr.
Petrolati, Thomas M.
Poirier, Elizabeth A.

Polito, Karyn E.
Pope, Susan W.
Rogeness, Mary S.
Ross, Richard J.
Rush, Michael F.
Scaccia, Angelo M.
Smola, Todd M.
Spiliotis, Joyce A.

Timilty, Walter F.
Tobin, A. Stephen
Travis, Philip
Vallee, James E.
Verga, Anthony J.
Wallace, Brian P.
Webster, Daniel K. — 55.

NAYS — (134).

Senators.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Baddour, Steven A.
Barrios, Jarrett T.
Berry, Frederick E.
Brewer, Stephen M.
Buoniconti, Stephen J.
Chandler, Harriette L.
Creem, Cynthia Stone
Fargo, Susan C.
Hart, John A., Jr.
Havern, Robert A.
Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.

McGee, Thomas M.
Menard, Joan M.
Montigny, Mark C.
Murray, Therese
O'Leary, Robert A.
Pacheco, Marc R.
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkinson, Dianne — 32.

Representatives.

Atkins, Cory
Atsalis, Demetrius J.
Balsler, Ruth B.
Bosley, Daniel E.
Bradley, Garrett J.
Broadhurst, Arthur J.
Cabral, Antonio F. D.
Callahan, Jennifer M.
Canessa, Stephen R.
Coakley-Rivera, Cheryl A.
Costello, Michael A.
Coughlin, Robert K.
DeLeo, Robert A.
Dempsey, Brian S.
DiMasi, Salvatore F.
Donelan, Christopher J.
Driscoll, Joseph R.
Eldridge, James B.
Fallon, Christopher G.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Finegold, Barry R.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Fox, Gloria L.
Galvin, William C.

Gobi, Anne M.
Golden, Thomas A., Jr.
Grant, Mary E.
Guyer, Denis E.
Haddad, Patricia A.
Hall, Geoffrey D.
Harkins, Lida E.
Hill, Bradford
Honan, Kevin G.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kaprielian, Rachel
Kaufman, Jay R.
Keenan, John D.
Kennedy, Thomas P.
Khan, Kay
Kocot, Peter V.
Koczera, Robert M.
Koutoujian, Peter J.
Kulik, Stephen
Leary, James B.
LeDuc, Stephen P.
Linsky, David Paul
L'Italien, Barbara A.
Malia, Elizabeth A.
Mariano, Ronald
Marzilli, J. James, Jr.

Marriage,
define.

Moran, Michael J.
Murphy, Charles A.
Murphy, Kevin J.
Natale, Patrick M.
Naughton, Harold P., Jr.
O'Brien, Thomas J.
O'Flaherty, Eugene L.
Patrick, Matthew C.
Paulsen, Anne M.
Pedone, Vincent A.
Peisch, Alice Hanlon
Petersen, Douglas W.
Petrucelli, Anthony
Pignatelli, William Smitty
Provost, Denise
Quinn, John F.
Reinstein, Kathi-Anne
Rice, Robert L., Jr.
Rodrigues, Michael J.
Rogers, John H.
Rushing, Byron
Sánchez, Jeffrey
Sannicandro, Tom
Scibak, John W.

Sciortino, Carl M., Jr.
Smizik, Frank I.
Speliotis, Theodore C.
Spellane, Robert P.
Speranzo, Christopher N.
Stanley, Harriett L.
Stanley, Thomas M.
St. Fleur, Marie P.
Story, Ellen
Straus, William M.
Sullivan, David B.
Swan, Benjamin
Teahan, Kathleen M.
Toomey, Timothy J., Jr.
Torrise, David M.
Turkington, Eric
Turner, Cleon H.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Martin J.
Walsh, Steven M.
Walz, Martha M.
Welch, James T.
Wolf, Alice K. — 102.

ABSENT OR NOT VOTING — (1)

Senator.

Nuciforo, Andrea F., Jr. — 1.

The yeas and nays having been completed at seventeen minutes before five o'clock P.M., the proposal was agreed to, not less than one-fourth of all members elected having voted in the affirmative.

The Initiative Petition (House, No. 4617) was then laid over until the next General Court.

Recess.

There being no objection, at sixteen minutes before five o'clock P.M., at the request of Mr. Lees, for the purposes of a minority party caucus, the President declared a recess; and at twenty-three minutes past five o'clock P.M., the Joint Session reassembled, the President in the Chair.

Health
insurance,
provide.

Mr. Tolman moved that calendar item 3, a proposal for an Initiative Amendment to the Constitution relative to the provision of health insurance (see Senate, No. 4) (introduced into the General Court by the initiative petition of Harold Hestnes and others), having received, in joint session, the affirmative votes of not less than one-fourth of all members elected [see **House, No. 4444, amended of 2004**], be discharged from the special committee of the joint session consisting of the members of the joint committee on Health Care Financing.

Mr. Lees in the Chair, after debate, the question on the motion to discharge was taken by a call of the yeas and nays, at seventeen min-

utes before six o'clock P.M., as follows to wit (yeas 92 — nays 101) [Senate Yeas and Nays No. 687] [House Yeas and Nays No. 915]:

YEAS — (92).

Senators.

Augustus, Edward M., Jr.
Barrios, Jarrett T.
Creem, Cynthia Stone
Fargo, Susan C.
Hedlund, Robert L.
Jehlen, Patricia D.
Joyce, Brian A.
McGee, Thomas M.
Montigny, Mark C.

Morrissey, Michael W.
O'Leary, Robert A.
Pacheco, Marc R.
Resor, Pamela
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C. — 17.

Representatives.

Atkins, Cory
Balser, Ruth B.
Callahan, Jennifer M.
Casey, Paul C.
Coppola, Virginia M.
Correia, Robert
deMacedo, Viriato Manuel
Driscoll, Joseph R.
Eldridge, James B.
Evangelidis, Lewis G.
Fallon, Christopher G.
Finegold, Barry R.
Forry, Linda Dorcena
Fresolo, John P.
Frost, Paul K.
Gifford, Susan W.
Gobi, Anne M.
Gomes, Shirley
Grant, Mary E.
Guyer, Denis E.
Hargraves, Robert S.
Hill, Bradford
Honan, Kevin G.
Humason, Donald F., Jr.
Hynes, Frank M.
Jones, Bradley H., Jr.
Kafka, Louis L.
Kaufman, Jay R.
Keenan, John D.
Kocot, Peter V.
Leary, James B.
Lepper, John A.
Linsky, David Paul
L'Italien, Barbara A.
Loscocco, Paul J. P.
Marzilli, J. James, Jr.
Moran, Michael J.
Natale, Patrick M.

Naughton, Harold P., Jr.
Owens-Hicks, Shirley
Patrick, Matthew C.
Paulsen, Anne M.
Peisch, Alice Hanlon
Perry, Jeffrey Davis
Petersen, Douglas W.
Peterson, George N., Jr.
Pignatelli, William Smitty
Poirier, Elizabeth A.
Polito, Karyn E.
Pope, Susan W.
Provost, Denise
Quinn, John F.
Rogeness, Mary S.
Ross, Richard J.
Rush, Michael F.
Sannicandro, Tom
Scibak, John W.
Sciortino, Carl M., Jr.
Smizik, Frank I.
Smola, Todd M.
Spellane, Robert P.
Speranzo, Christopher N.
Stanley, Thomas M.
Story, Ellen
Sullivan, David B.
Swan, Benjamin
Teahan, Kathleen M.
Toomey, Timothy J., Jr.
Travis, Philip
Turner, Cleon H.
Vallee, James E.
Wallace, Brian P.
Walz, Martha M.
Webster, Daniel K.
Wolf, Alice K. — 75.

Health
insurance,
provide.

NAYS — (101).

Senators.

Antonioni, Robert A.
Baddour, Steven A.
Berry, Frederick E.
Brewer, Stephen M.
Brown, Scott P.
Buoniconti, Stephen J.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Hart, John A., Jr.
Havern, Robert A.
Knapik, Michael R.

Lees, Brian P.
Menard, Joan M.
Moore, Richard T.
Murray, Therese
Panagiotakos, Steven C.
Rosenberg, Stanley C.
Spilka, Karen E.
Timilty, James E.
Travaglini, Robert E.
Wilkerson, Dianne — 21.

Representatives.

Atsalis, Demetrius J.
Ayers, Bruce J.
Binienda, John J.
Bosley, Daniel E.
Bradley, Garrett J.
Broadhurst, Arthur J.
Cabral, Antonio F. D.
Canavan, Christine E.
Candaras, Gale D.
Canessa, Stephen R.
Costello, Michael A.
Coughlin, Robert K.
Creedon, Geraldine
Curran, Sean
DeLeo, Robert A.
Dempsey, Brian S.
DiMasi, Salvatore F.
Donato, Paul J.
Donelan, Christopher J.
Fagan, James H.
Falzone, Mark V.
Fennell, Robert F.
Festa, Michael E.
Flanagan, Jennifer L.
Flynn, David L.
Fox, Gloria L.
Galvin, William C.
Garry, Colleen M.
Goguen, Emile J.
Golden, Thomas A., Jr.
Greene, William G., Jr.
Haddad, Patricia A.
Hall, Geoffrey D.
Harkins, Lida E.
Kane, Michael F.
Kaprielian, Rachel
Kennedy, Thomas P.
Khan, Kay
Koczera, Robert M.
Koutoujian, Peter J.

Kujawski, Paul
Kulik, Stephen
Lantigua, William
LeDuc, Stephen P.
Malia, Elizabeth A.
Mariano, Ronald
Miceli, James R.
Murphy, Charles A.
Murphy, James M.
Murphy, Kevin J.
Nangle, David M.
Nyman, Robert J.
O'Brien, Thomas J.
O'Flaherty, Eugene L.
Parente, Marie J.
Pedone, Vincent A.
Petrolati, Thomas M.
Petrucelli, Anthony
Reinstein, Kathi-Anne
Rice, Robert L., Jr.
Rodrigues, Michael J.
Rogers, John H.
Rushing, Byron
Sánchez, Jeffrey
Scaccia, Angelo M.
Spiliotis, Theodore C.
Spiliotis, Joyce A.
Stanley, Harriett L.
St. Fleur, Marie P.
Straus, William M.
Timilty, Walter F.
Tobin, A. Stephen
Torrissi, David M.
Turkington, Eric
Verga, Anthony J.
Wagner, Joseph F.
Walrath, Patricia A.
Walsh, Martin J.
Walsh, Steven M.
Welch, James T. — 80.

ABSENT OR NOT VOTING — (4).

Senators.

Nuciforo, Andrea F., Jr. Walsh, Marian — 2.

Representatives.

Carron, Mark J. Coakley-Rivera, Cheryl A. — 2.

The yeas and nays having been completed at eight minutes before six o'clock P.M., the motion to discharge was *negatived*.

Without action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Moore, at four minutes before six o'clock P.M., the Joint Session was adjourned; and the Senate withdrew from the House Chamber, under the escort of the Sergeant-at-Arms.

At five minutes after three o'clock P.M., the House was called to order with Mr. Donato of Medford in the Chair.

House
called
to order.

Engrossed Bills.

Engrossed bills

Authorizing the town of Rockland to issue and additional license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 2758) (which originated in the Senate);

Bills
enacted.

Authorizing the town of North Attleborough to enter into a certain lease (see House, No. 5347); and

Authorizing the city of Gardner to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5371);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Report of a Committee.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill further regulating the rights of an adopted child (Senate, No. 2510) be scheduled for consideration by the House for a second reading, with the amendments previously recommended by the committee on Ways and Means pending.

Adopted
child,
rights.

Under suspension of Rule 7A, on motion of Mr. Patrick of Falmouth, the bill was read a second time forthwith.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 1, in line 7, by striking out the date "September 1, 2006" and inserting in place thereof the date "January 1, 2007"; and by striking out section 2,— were adopted.

The bill (Senate, No. 2510, amended) then was ordered to a third reading.

Adopted
child,
rights.

Subsequently, under suspension of the rules, on motion of Mr. Fennell of Lynn, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Orders of the Day.

Senate bills

Randolph,
town
meeting.

Relative to the representative form of town meeting in the town of Randolph (Senate, No. 2724) (its title having been changed by the committee on Bills in the Third Reading); and

Children,
placement.

Further regulating the placement of certain children (Senate, No. 2776);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Recess.

Recess.

At twenty-one minutes before four o'clock P.M., on motion of Mr. Sciortino of Medford (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at eight minutes before five o'clock P.M., the House was called to order with Mr. Donato in the Chair.

Papers from the Senate.

Swansea
Water
District.

The House Bill relative to the Swansea Water District (House, No. 5179) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following section:

"SECTION 2. For projects under this act which require wetlands and water quality permits from the department of environmental protection, the department shall consider and may authorize use of pilot wetlands mitigation bank established under section 89 of chapter 291 of the acts of 2004 as a mitigation measure."

Under suspension of Rule 35, on motion of Mrs. Haddad of Somerset, the amendment was considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House non-concur with the Senate in its amendment; and the report was accepted.

The House then non-concurred with the Senate in its amendment; and the bill was returned to said branch endorsed accordingly.

Burlington,
referendum
procedures.

The House Bill revising referendum town meeting procedures in the town of Burlington (House, No. 5287) came from the Senate passed to be engrossed, in concurrence, with amendments in subsection (g), in paragraph three, in the second sentence, striking out the figure "25" (as changed by the House committee on Bills in the Third Reading) and inserting in place thereof the figure: "20"; and by adding at the end thereof the following section:

"SECTION 2. This act shall take effect upon its passage."

Under suspension of Rule 35, on motion of Mr. Murphy of Burlington, the amendments (reported by the committee on Bills in the

Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

The House Bill establishing a sick leave bank for Michael Rafferty, an employee of the Department of Correction (House, No. 5362) came from the Senate passed to be engrossed, in concurrence, with an amendment at the end of section 1 inserting the following sentence: "Whenever Michael Rafferty terminates employment with the department or requests to dissolve the sick leave bank, the balance shall be transferred to the extended illness leave bank."

Michael
Rafferty,
sick leave.

Under suspension of Rule 35, on motion of Mr. Evangelidis of Holden, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Emergency Measure.

The engrossed Bill designating the Department of Youth Services facility in the town of Westboro as the Zara Cisco Brough- "Princess White Flower" Facility (see House, No. 5138, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Westborough,
Zara Cisco
Brough.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 48 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bill.

The engrossed Bill relative to rates of pilotage for the port of Boston (see Senate, No. 2391, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Orders of the Day.

The Senate Bill relative to the conveyance of a certain parcel of land in the town of Grafton (Senate, No. 2779, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments previously adopted by the House.

Grafton,
land.

The House Bill relative to health insurance premiums for retired employees of the town of Orleans (printed in House, No. 4567), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Orleans,
retirees.

Recess.

Recess.

At five minutes after five o'clock P.M., the Chair (Mr. Donato of Medford) declared a recess subject to the call of the Chair; and at one minute before six o'clock P.M., the House was called to order with Mr. Donato in the Chair.

*Silent Prayer.*President
Gerald R.
Ford.

At the request of the Chair (Mr. Donato of Medford), the members, guests and employees then stood for a moment of silent prayer in memory of former President Gerald R. Ford. President Ford served as the thirty-eighth President of the United States of America.

*Message from the Governor — Veto.*Massachusetts
History Day.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill designating the annual observance of Massachusetts History Day and establishing a special commission on civic engagement and learning [see House, No. 3465, amended] (for message, see House, No. 5387) was filed this day in the Office of the Clerk.

The message was read; and, on motion of Mr. Scaccia of Boston, it was placed on file.

*Papers from the Senate.*Disabled
veterans,
plates.

The engrossed Bill relative to disabled veterans' motor vehicle plates (see Senate, No. 2428), which had been returned to the Senate by the Lieutenant-Governor, Acting Governor, with recommendation of amendment [for message, see Senate, No. 2781], came from said branch with the endorsement that it had been amended by striking out all after the enacting clause and inserting in place thereof the following:

"Section 2 of chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word 'Administration,' in line 131, the following words:— has been determined to have a service-connected disability rating of 60 per cent or greater and."

Under suspension of Rule 35, on motion of Mr. Golden of Lowell, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Handicapped
parking.

The engrossed Bill further regulating parking for handicapped persons (see Senate, No. 2647) came from the Senate with an amendment striking out section 1 and inserting in place thereof the following section:

"SECTION 1. Clause (23) of section 21 of chapter 40 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:—

(b) Parking spaces designated as reserved under paragraph (a) shall be identified by the use of above-grade signs with white lettering against a blue background and shall bear the words 'Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense'. The spaces shall be as near as possible

to a building entrance or walkway, shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person and shall be at least 8 feet wide, not including the cross hatch access aisle as defined by the architectural access board established in section 13A of chapter 22. The cross hatch access aisle abutting a handicapped parking space shall be considered part of the handicapped parking space to which it abuts to provide individuals who use wheelchairs and other mobility aids with sufficient space to enter and exit their vehicles. No person shall park in the cross hatched access aisle."

Under suspension of Rule 35, on motion of Mr. Toomey of Cambridge, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The engrossed Bill relative to the Railroad Depot Contamination Remediation and Redevelopment Project of the city of New Bedford (see Senate, No. 2742, amended), which had been returned to the Senate by the Lieutenant-Governor, Acting Governor, with recommendation of amendment [for message, see Senate, No. 2782], came from said branch with the endorsement that it had been amended in section 3 by adding at the end thereof the following two sentences: "Before the issue of any bonds or notes under this act, the city shall submit to the executive office of administration and finance a plan showing the amount of the bonds and notes to be issued, the amount of the railroad depot project authorized by section 2 to be funded with the proceeds of the bonds and notes, the proposed maturity schedule of the bonds and notes, the proposed allocation of, if any, and plan to finance the principal of and interest on the bonds and notes, and any other information requested by the secretary of administration and finance relating to the bonds and notes. No bonds or notes shall be issued under this act until the secretary has approved the plan."

New Bedford
Depot,
clean-up.

Under suspension of Rule 35, on motion of Mr. Koczera of New Bedford, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The House Bill designating Mitochondrial Disease Awareness Week (House, No. 4358) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following paragraph:

Mitochondrial
disease week.

"Section 15EEEEEE. The governor shall annually issue a proclamation setting apart the month of June as 'Myasthenia Gravis Awareness Month' in an effort to raise awareness and the need for research among health professionals and the general public of this rare, often misdiagnosed, autoimmune neuromuscular disease and to recognize the need for programs to provide support for victims of this disease and their families, and recommending that the month be observed in an appropriate manner by health professionals and the people."

Under suspension of Rule 35, on motion of Mr. Scibak of South Hadley, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn, as changed) was considered forthwith; and it was adopted, in concurrence.

Report of a Committee.

Westborough,
Highpoint
Liquors.

Report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 5035) of Karyn E. Polito and others (by vote of the town) that the town of Westborough be authorized to grant a license for the sale of alcoholic beverages not to be drunk on the premises to Highpoint Liquors, LLC.

Under suspension of the rules, on motion of Ms. Polito of Shrewsbury, the report was considered forthwith.

The same member then moved that the report be amended by substitution of a Bill authorizing the town of Westborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 5386), which was read [Local Approval Received].

Under suspension of the rules, on further motion of Ms. Polito, the bill was read a second time forthwith; and it was ordered to a third reading.

Emergency Measures.

Health care,
access.

The engrossed Bill further amending the health care access (see Senate, No. 2783, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 10 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Michael
Rafferty,
sick leave.

The engrossed Bill establishing a sick leave bank for Michael Rafferty, an employee of the Department of Correction (see House, No. 5362, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 10 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Racing.

The engrossed Bill relative to horse and greyhound racing in the Commonwealth (see House, No. 5291, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 24 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Bosley of North Adams moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved that the bill be amended by striking out section 21 and inserting in place thereof the following section:

“SECTION 21. This act shall take effect as of March 31, 2006.”.

The amendment was adopted. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred with the House in adoption of the amendment, the bill (see House, No. 5291, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bills.

The engrossed Bill relative to the Railroad Depot Contamination Remediation and Redevelopment Project of the city of New Bedford (see Senate, No. 2742, amended) (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill
re-enacted.

The engrossed Bill authorizing the appointment of retired police officers as special police officers in the town of Millis (see House, No. 4318, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill

The engrossed Bill authorizing the lease of publicly-owned land for agricultural purposes (see House, No. 4658, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified

Bill
re-enacted.

by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill
re-enacted.

The engrossed Bill relative to life insurance companies (see House, No. 4973, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bills
enacted.

Engrossed bills

Further regulating the rights of an adopted child (see Senate, No. 2510, amended);

Further regulating parking for handicapped persons (see Senate, No. 2647, amended);

Relative to the representative form of town meeting in the town of Randolph (see Senate, No. 2724, changed);

Further regulating the placement of certain children (see Senate, No. 2776);

Relative to the conveyance of a certain parcel of land in the town of Grafton (see Senate, No. 2779, amended);

(Which severally originated in the Senate);

Authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the city of Peabody (see House, No. 4247, amended);

Designating Mitochondrial Disease Awareness Week (see House, No. 4358, amended);

Authorizing the town of Westborough to release an easement over land (see House, No. 4862);

Establishing a golf course capital improvement fund in the town of Dennis (see House, No. 5087);

Relative to the Swansea Water District (see House, No. 5179);

Revising referendum town meeting procedures in the town of Burlington (see House, No. 5287, amended); and

Authorizing the town of Franklin to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 5309);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Fire
insurance.

The engrossed Bill relative to the standard fire insurance policy (see House, No. 1552), which had been returned by His Excellency the Governor, with recommendation of amendment (for message, see House, No. 5270), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By adding the following paragraph:

‘Terrorism’, shall have the meaning as defined in the Terrorism Risk Insurance Act of 2002 (P.L. 107-297).’.

The report was accepted; and the amendment was rejected.

Mr. Mariano of Quincy then moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following:

“Section 99 of chapter 175 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after clause Twelfth A the following clause:—

Thirteenth, Notwithstanding any other provision of this chapter, a commercial policy issued in compliance with section may exclude coverage for loss by fire or other perils insured against if the fire or other perils insured against were caused directly or indirectly by terrorism.

‘Terrorism’ shall have the meaning as defined in the Terrorism Risk Insurance Act of 2002 (P.L. 107-297). If the Terrorism Risk Insurance Act of 2002 (P.L. 107-297) or any extension or reauthorization thereof is not extended or reauthorized or is repealed, then the following definition of ‘Act of terrorism’ shall apply:—

‘Act of terrorism’, any act that is certified by the secretary of public safety, in consultation with the United States Secretary of Homeland Security:

(a) to be an act of terrorism;

(b) to be a violent act or an act that is dangerous to:

(i) human life;

(ii) property; or

(iii) infrastructure;

(c) to have resulted in damage within the United States, or outside of the United States in the case of:

(i) an air carrier or vessel described in paragraph (5)(B) of the Terrorism Risk Insurance Act of 2002; or

(ii) the premises of a United States mission; and

(iii) to have been committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.”

The amendment was adopted. Sent to the Senate for concurrence.

Senate bills

Further specifying residency requirements for regular fire and police officers in the town of Boxborough (Senate, No. 2705) (its title having been changed by the committee on Bills in the Third Reading); and

Boxborough,
fire and
police.

Relative to the charter of the town of Sandwich (Senate, No. 2741) (its title having been changed by the committee on Bills in the Third Reading);

Sandwich,
charter.

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Motion to Suspend Rule 1A.

Suspension
of Rule 1A.

The Chair (Mr. Donato of Medford) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.; and, there being no objection, Rule 1A was suspended.

Paper from the Senate.

Hynes
Convention
Center,
Boston
Common
Parking
Garage.

A petition (accompanied by bill) of Dianne Wilkerson for legislation relative to the Hynes Convention Center and the Boston Common Parking Garage, came from the Senate with the endorsement that it had been referred, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

The House then concurred with the Senate in the suspension of said rule; and, on motion of Mr. Scaccia of Boston, the petition was referred, in non-concurrence, to the House Committee on Ways and Means. Sent to the Senate for its action.

Subsequently (Mr. Scaccia of Boston being in the Chair), the petition came from the Senate with the endorsement that said branch had non-concurred with the House in its reference; and insisted on its reference to the committee on State Administration and Regulatory Oversight.

On motion of Mr. Donato of Medford, the House then receded from its non-concurrence; and the petition (accompanied by bill, Senate, No. 2784) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

Engrossed Bills.

Mr. Donato of Medford being in the Chair,—

Bill
re-enacted.

The engrossed Bill relative to disabled veterans' motor vehicle plates (see Senate, No. 2428, amended) (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

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The engrossed Bill relative to the standard fire insurance policy (see House, No. 1552, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Bills
enacted.

Further specifying residency requirements for regular fire and police officers in the town of Boxborough (see Senate, No. 2705); and Relative to the charter of the town of Sandwich (see Senate, No. 2741);

(Which severally originated in the Senate);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

At twenty minutes before ten o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned.

[Under the provisions of Article X of the Amendments to the Constitution, the 2006 session of the General Court was dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the Governor.]

Attest:

STEVEN T. JAMES,
Clerk.